

**DEMAND DC ZONING COMMISSION CREATE RACIAL  
TOOL THAT IDENTIFIES AND REDRESSES RACIAL INEQUITIES**

ZC Case No. 22-RT1

October 5, 2022

Good afternoon, Chair Hood and other members and staff of the Zoning Commission. My name is Renee Bowser, and I am an ANC Commissioner and ANC 4D Chair (testifying in my individual Commissioner capacity), Ward 4 DC Democratic State Committeewoman, and member of Empower DC.

On or about April, 2022, the Zoning Commission (“ZC”) issued a one-pager it named “Racial Equity Tool.” Part 1, titled Guidance Regarding Racial Equity Submissions, *suggests, but does not require*, discussion of the citywide and area elements listed in a discussion in submissions to the zoning case record. But ZC offers no definition or explanation of what constitutes racial equity, a racial equity analysis, a racial equity tool to facilitate analysis, or any action if proposed construction projects fail to promote racial equity. In fact, ZC fails to even list the Framework and Implementation Elements of the Comprehensive Plan (“Comp Plan”) that actually define racial equity and provide specific direction for developing a racial equity analysis and tool.

Part 2 of ZC’s tool, titled Zoning Commission Evaluation of the Zoning Action through a Racial Equity Lens, asks *only* two broad questions: What are the expected goals of the Zoning Action? What are the anticipated positive and negative impacts and/or outcomes of the zoning action? The second question also adds certain themes that submissions to the zoning case *may* include. In brief, there are no mandates in the Zoning Commission’s tool, no requirement that the Zoning Commission notify the public of development plans, and no requirement to engage and center the needs of the communities that will be impacted by every development.

Though the ZC tool requires nothing of developers, the Comp Plan requires real data, examination of conditions, and analysis as part of each agency’s racial equity tool. The Framework Element defines racial equity<sup>1</sup> and states “[t]he District’s policies and investments should reflect a commitment to eliminating racial inequities.”<sup>2</sup> The Comp Plan’s Implementation Element (IM) states that “equity is important to achieving positive outcomes with the District’s communities<sup>3</sup> and requires every District agency to

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<sup>1</sup> Framework, section 213.9, states, in part, “the District achieves racial equity when race no longer determines one’s socioeconomic outcomes. As a process, we apply a racial equity lens when those most impacted by structural racism are meaningfully involved in the creation and implementation of the institutional policies and practices that impact their lives, particularly people of color.”

<sup>2</sup> Framework Element, section 213.10. Also, Framework Element, section 218.3, states “[t]o grow equitably and achieve racial equity, equity-centered approaches that address the needs of underserved communities are necessary.”

<sup>3</sup> Implementation Element, Section 2501.2

implement a racial equity tool.<sup>4</sup> Each agency must evaluate development decisions through a “racial equity lens.”<sup>5</sup> Using a racial equity lens, “the intent is for District agencies to develop processes and tools tailored to various programs, activities, and decisions, that center and account for the needs of residents of color, to achieve these outcomes:

- Identify and consider past and current systemic racial inequities;
- Identify who benefits or is burdened from a decision;
- Disaggregate data by race, and analyze data considering different impacts and outcomes by race; and
- Evaluate the program, activity or decisions to identify measures such as policies, plans, or requirements, that reduce systemic racial inequities, eliminate race as a predictor of results, and promote equitable development outcomes.”<sup>6</sup>

The Implementation Element requires the District to use various strategies to incorporate equity, particularly racial equity. These strategies will be used to “make decisions that create measurable improvements in the lives of District residents, particularly those who have been most marginalized by systemic racism and structural inequity.”<sup>7</sup>

But the Zoning Commission ignores mandates set forth in the Comp Plan and creates a “tool” that fails to: (1) identify existing and historical racial and socioeconomic patterns of harm experienced by past and current residents in and around the area sought to be developed; (2) involve impacted residents and center their needs to build conditions for equitable development going forward; and (3) provide policies and practices that will redress the negative impacts of past racist development. The result is under ZC’s tool, there is no foundation to make decisions that create measurable improvements in the lives of residents who continue to be marginalized by systemic racism and structural inequity.

The Zoning Commission must, in order to comply with Comp Plan mandates, broaden its understanding of what constitutes a racial equity analysis and devise a tool that works to reverse systemic racism and structural inequity in DC’s development system. ***The Zoning Commission must apply a racial equity analysis and tool to all zoning decisions.*** For example, Seattle has an Equitable Development Implementation Plan which explicitly addresses systemic change to eliminate racial inequities.<sup>8</sup> Seattle requires using equity criteria that will heavily weigh the potential to improve race and social equity and close racial disparities in an area ***as the basis for selecting***

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<sup>4</sup> Implementation Element, Section 2501.8, Action: IM-1.B Equity Tools for District Agencies, including the Zoning Commission.

<sup>5</sup> Implementation Element, Section 2501.4.

<sup>6</sup> Implementation Element, Section 2501.4

<sup>7</sup> Implementation Element, Section 2501.5

<sup>8</sup> Equitable Development Implementation Plan, Part 4-Equitable Development-Systemic Change to Eliminate Racial Inequities, Seattle Office of Planning & Development, April 2016 at 34.

**development and planning projects.**<sup>9</sup> As another example, Boston's Planning Agency for Large Project Review mandates an assessment of historical exclusion and displacement of marginalized communities with respect to proposed development projects/areas and a description of how such projects will further the goals of overcoming segregation and fostering inclusive communities. Moreover, Boston requires development projects to incorporate strategies for meeting Affirmatively Furthering Fair Housing (AFFH) goals in development proposals. Thus, in Boston, **as a condition of receiving approval** from the Boston Planning and Development Agency, large developers must complete a project-level AFFH Assessment and propose Meaningful Actions intended to address identified housing disparities.<sup>10</sup>

Now is the time for the Zoning Commission and its advisors at the Offices of Zoning and Planning to draft and implement a racial equity tool that complies with the letter and spirit of the Comp Plan. Until it develops and implements a meaningful tool, the Zoning Commission must declare a moratorium on deciding zoning cases! The Commission must not continue complicity in discrimination, marginalization, and displacement of the District's Black, Brown, working class, and poor residents; rather it must implement policies to redress these wrongs.

Thank you.

Dated: October 5, 2022

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<sup>9</sup> Growth and Equity, Analyzing Impacts on Displacement and Opportunity Related to Seattle's Growth Strategy, Table 3, Displacement Risk Index Indicators, Table 4, Access to Opportunity Index Indicators, May 16 at 13-14.

<sup>10</sup> Affirmatively Furthering Fair Housing (AFFH) Assessment and Submission and Guide, Boston Planning & Development Agency, March 2021, at 1. Boston requires developers to take meaningful action to combat discrimination, overcome patterns of segregation, and foster communities free from barriers that restrict access to opportunity based on protected characteristics. Id.